



State of Tennessee
Department of Environment and Conservation
Division of Water Resources
Mining Section
3711 Middlebrook Pike
Knoxville, Tennessee 37921-6538
PHONE (865) 594-6035 FAX (865) 594-6105

COMBINED NOTICE

Public Hearing
Proposed Issuance of NPDES Permit
Proposed Issuance of Aquatic Resource Alteration Permit

Public Notice M2019-20

December 12, 2019

NOTICE IS HEREBY GIVEN that the Division of Water Resources, Mining Section, will hold a public hearing pursuant to Rules 0400-40-05-.06 (8) and 0400-40-07-.04 (4) of the Tennessee Department of Environment and Conservation.

January 14, 2020
7:30 p.m. EST
Cove Lake State Park
Recreation Building
110 Cove Lake Lane
Caryville, TN 37714

The Division will hold a preliminary technical session with the public from 6:00-7:00 p.m. for discussion and review of the permit application and plans. The formal public hearing will begin at 7:30 p.m. At the hearing, the Division will receive public comments concerning issuance of the proposed permits to the following applicant:

Company Information

Mr. Nat W. Cloer, Managing Member
Davis Creek Energy, LLC
201 E North 1st Street, Suite T
Seneca, SC 29678

Site Information

Davis Creek Energy, LLC - Area 6
Campbell County
NPDES Permit TN0070408 (Draft)
ARAP NR19MS.001 (Draft)

The purpose of this notice is to advise the public of the draft environmental permits and to solicit comments and information necessary to evaluate the potential impact of the proposed activities on human health and the environment. The draft permits are available on the Division's Data Viewer on the Internet at: http://environment-online.tn.gov:8080/pls/enf_reports/f?p=9034:34001:0::::.

The Division has made the determination that the permit applications are complete as required by Rules 0400-40-03-.06 (1)(c) and 0400-40-07-.04 (4)(b).

The new NPDES Permit is for a coal surface mine located at latitude 36°29'33.6" and longitude 84°01'28.3". The facility consists of 204.6 acres and will discharge into unnamed tributaries to Hogcamp Branch and Granny Branch. The ARAP would authorize 1316 linear feet of stream alterations and 0.745 acres of wetland alterations.

If you have any questions related to the proposed permits contact Dan Murray at (865) 594-5549 or Dan.Murray@tn.gov.

Hearing Process

The hearing was requested by TDEC in response to interest and concerns within the local community about the proposed site. The purpose of the hearing is to gather information from the public relevant to a final decision on the permit application. Comments not related to water quality or to the information contained in the permit application will not be considered in the NPDES or ARAP decision-making process. Issues such as zoning, blasting, noise, dust, and traffic are not water-quality related and are not regulated by the Division or the NPDES and ARAP programs; therefore, consideration of these issues would not contribute relevant information on the proposed permits.

The hearing officer may limit oral presentations to five minutes and require that all testimony be relevant to water quality-related issues. Undue repetition in oral presentations should be avoided so that all interested parties will have an opportunity to present their concerns. Written testimony will be accepted at the hearing and at TDEC until **January 24, 2020**.

Interested persons may obtain additional information and copy the applications, draft permits, and supporting documentation from the permit files maintained at the Mining Section's office at the letterhead address. There is a nominal fee for copying. The file is available for public inspection during normal visiting hours by contacting Kara.Blevins@tn.gov or call (865) 594-5460 to schedule an appointment for the review. The following link will allow online viewing through DWR's Data Viewer: http://environment-online.tn.gov:8080/pls/enf_reports/f?p=9034:34001:0:::..

Individuals with disabilities who wish to participate in these proceedings should contact the Department's ADA Coordinator, Human Resources Division, William R. Snodgrass - TN Tower, 312 Rosa L. Parks Avenue, 2nd Floor, Nashville, TN 37243-1102, **1-866-253-5827**. Such contact may be in person, by writing, telephone, or other means and should be made no later than January 3, 2020, to allow time to provide such aid or services. Hearing impaired callers may use the Tennessee Relay Service, **1-800-848-0298**.

Last Day to Submit Written Comments for the Hearing Record: January 24, 2020